

LINDA L. CAPLINGER
Claimant

SCHWAN'S FOOD MANUFACTURING INC.
Respondent

HARTFORD CASUALTY INSURANCE COMPANY
Insurance Carrier

1. Did claimant suffer accidental injury arising out of and in the course of her employment with respondent on June 15, 2004, and through a series of microtraumas through October 7, 2004, her last day worked before undergoing surgery on her left shoulder? Claimant contends that she suffered injuries as the result of a fall on June 15, 2004, when she struck her left shoulder and right knee. Respondent denied that claimant suffered the accidental injury on June 15, 2004, but provides little support for this position. Respondent also claims that

claimant has failed to prove that her ongoing problems are the result of either the June 15, 2004 accident or from claimant's continued work for respondent through October 7, 2004.

2. What is the nature and extent of claimant's injuries and disability? Respondent contends that claimant should be limited to a 20 percent permanent partial disability at the level of the left shoulder based upon the opinion of board certified orthopedic surgeon Todd M. Herrenbruck, M.D., claimant's treating physician. Claimant argues the award should be based upon the opinion of board certified emergency medicine specialist P. Brent Koprivica, M.D., who assessed claimant a 40 percent permanent partial disability at the level of the left shoulder.
3. Is respondent responsible for medical expenses in the amount of \$29,867 previously paid by Blue Cross/Blue Shield? Claimant underwent surgery on her left shoulder after respondent refused to provide medical treatment upon request, with claimant's health care provider paying for the surgery and resultant treatment.
4. Is claimant entitled to temporary total disability for the period October 8, 2004, through November 29, 2004?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire evidentiary file contained herein, the Board finds the Award of the Administrative Law Judge should be affirmed.

The Award sets out findings of fact and conclusions of law in a detailed award and the Board finds it unnecessary to repeat those findings and conclusions herein. The Board adopts those findings and conclusions as its own.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Bruce E. Moore dated February 19, 2007, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June, 2007.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: John M. Ostrowski, Attorney for Claimant
Mickey W. Mosier, Attorney for Respondent and its Insurance Carrier
Bruce E. Moore, Administrative Law Judge